



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

**MINUTES  
OF THE  
NATURAL RESOURCE COMMISSION  
MEETING  
AUGUST 14, 2008**

**Louisa County Conservation Board  
Langwood Education Center  
14001 H Avenue  
Wapello, IA**

For Office Use Only

Date Minutes Approved By NRC: 09/11/08

Director's Signature: (Richard Leopold)

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### **Call to Order**

The meeting of the Natural Resource Commission was called to order by the Chair, Bill Bird, at 8:40 a.m. on Thursday, August 14, 2008.

Commissioner Bird welcomed the public to the meeting and thanked all seven commissioners and Department staff for being present. Yesterday the Commission was provided with a terrific tour and evening event thanks to Bill Ohde and his staff, Tom Cox from USFWS, Ryan Heiniger and Eric Lindstrom from Ducks Unlimited, Bernie Schoenfeld from Fisheries, Tri-Rivers Conservation Foundation for the evening meal, and the Louisa CCB for their building use. Also, thanks to Don Pfeiffer, Wildlife Supervisor, for his additional tour of flood damaged areas and to the Corps and Department for working together to on the flood damage issues. During the tour, Bill Ohde was presented the professional of the year award for his exemplary service to waterfowl work by Ducks Unlimited.

### **Members Present**

William Bird  
Gregory Drees  
Richard (Kim) Francisco  
Elizabeth Garst  
Tammi Kircher  
Carol Kramer  
Janelle Rettig

### **Members Absent**

None

### **1. Approve Agenda**

Commissioner Rettig moved. Commissioner Francisco seconded. Ken Herring requested to move item 19 to after the Director's comments. Commissioner Francisco requested to include in General Discussion the recommendation of the NRC sending a letter of support to Congress for the No Child Left Inside Act. Motion carried, unanimously.

### **2. Approve Minutes of 06/12/08**

Commissioner Francisco moved. Commissioner Garst seconded. No discussion. Motion carried, six in favor, Commissioner Rettig opposed.

### **3. Approve Minutes of 07/10/08**

Commissioner Garst moved. Commissioner Francisco seconded. Commissioner Kramer expressed she was dissatisfied with the minutes of July and did not like the content. Commissioner Francisco noted the change in who motioned and seconded the items. Director Leopold reported that the voice recording was lost due to technical difficulties and that data was not captured. The Department is examining digital recording. The Department is working to capture the essence of conversation. Commissioner Rettig reported she does not find the minutes of July or June acceptable. Commissioner Kircher inquired if AIB (American Institute of Business) would be an option to provide a stenographer to take care of taping and recording. The Director noted that could be an option. Ken Herring asked for patience as we work on the transition and new recording methods and that the digital option will offer a ".wav" file for all to

hear. Commissioner Garst encouraged continuing to work on the .wav file and complimented the staff for trying to capture important points being made succinctly but would like a little more information. She also requested the difference in the future between “the Commission said” versus a Commissioner said. Commissioner Kramer reiterated she does not like the content in the minutes. Motion carried; five in favor, Commissioners Rettig and Kramer opposed.

#### **4. Director’s Remarks**

- General business:
  - Meeting minutes, we will continue to hone in on what the Commission needs and what we can provide.
  - Overnight accommodations for the Commission will be made using the Director’s credit card and Commissioners are asked to let Kim Rasler know a week before the meeting if possible if they will not be attending.
  - The Department is working on more specific timelines for processing the monthly agenda and items.
  - July’s travel reimbursement is delayed due to fiscal year and should be processed soon.
  - It has been identified that the Commissioners will not need to sign the Tobacco Use Policy acknowledgement but to be aware of the policy.
  - Commissioner Rettig had inquired about additional per diem requests outside of the normal monthly meetings. The Department is looking into that and will provide a guideline by the next meeting.
- Legislative requests have been captured using a successful net casting of ideas between NRC and EPC with a stakeholder session and internal staff. A budget was drafted for these requests which are trying to capture some of the additional budget asks. Some are program driven and some are opportunity driven.
- Sustainable Funding for Natural Resources continues to be up and running. The Advisory Committee has been legislatively reauthorized and the Coalition will begin promotion and outreach regarding the issue.
- Flood issues:
  - Director’s issues have been health and human safety, such as disease, asbestos waste, as well as what we need to do for the next flood. We have been working with the Governor’s office on this.
  - Lyle Asell and Barb Lynch are working on a Rebuild Iowa committee and Director is concerned about the issue of drainage patterns not being addressed. Reports will be coming out soon.
- Climate Change:
  - Climate Change specialist will be joining the DNR this Friday with a background of field biology and policy and law. The quality of candidates was outstanding.
  - In June 2008, the Director and counterparts across the state met in California regarding climate change and opportunities can we learn about and prepare for regarding our resources. Currently there is not a national organization regarding this issue.
  - November 16-18, 2008, a national conference of senior staff, DNR, resource agencies will be held to discuss climate change issues and forming a national organization.

- Environmental indicators and a water index continue to be a priority. In reviewing statistics, water quality is going down. We are looking to split the state to address specific issues. This will begin after the first of the year. We are looking to examine issues that could occur in certain areas of the state. Surface water and ground water will give us a better view of our state. The legislative requests were done in the last few days and will need editing for presentation.
- Grazing and haying on public lands has been coordinated with the Department of Agriculture and the Governor's office. Secretary Northey had made a request to have haying and grazing on public lands. The Director discussed the situation with Secretary Northey and activities that are already being done. Ken Herring worked to create general guidelines for grazing and haying on public lands to direct how the DNR can, and has, accommodated when possible. The Governor's office wanted to take the lead on this issue. We do not anticipate many requests. Jamie Cashman in the Governor's office has been supportive of putting DNR's protocol into effect.

### **5. Honey Creek Resort State Park Monthly Update**

Liz Christiansen, Deputy Director, thanked staff for their work and Commissioners Rettig and Garst for coming to meet legislative staff last Monday to give an update on Honey Creek Resort. Deputy Director Christiansen provided updated reports and has requested and will provide updated reports (ie sales report, cash flow report). September 12<sup>th</sup> is the target open date. Dry weather has allowed paving to progress greatly.

Commissioner Drees inquired of any hydrological opinions regarding the lake flooding and what water damage has occurred to other structures. Deputy Director Christiansen reported the lake is dropping about a foot a week and is anticipated at being normal level in January. We are meeting with FEMA regarding wave issue concerns. Water entered the lower and first levels due to a subcontractor neglecting to cap conduits in the lodge before the storm. We obtained an independent evaluation. Repair work is being done and cost will be incurred by the contractor. Commissioner Garst inquired on the funding amount to repair the golf course cart paths. Deputy Director Christiansen reports one rerouting is anticipated to cost \$2500 and management decisions will be made as we continue on other areas. Commissioner Drees inquired how the marina operations are being affected with the water level. Deputy Director Christiansen stated the lake level will need to drop before work can be done and the docks may not be installed this year, as well as the rip rap. Commissioner Kramer asked if any of the golf holes need to be moved. Deputy Director Christiansen reported no, just some of the cart paths. It is currently playable for 9 holes and will be for 18 after path work is done. Commissioner Francisco encouraged back up plans for electrical outages that occur during thunder storms in the area and inquired on tornado shelter sites. Deputy Director Christiansen reported the lodge has an area for severe weather and the activity building has been redesigned to include a severe weather. Commissioner Garst suggested the use of local food to be built into the menu. Deputy Director Christiansen noted there are items on the menu that feature local foods. Commissioner Garst inquired on how the local fundraising progressing. Deputy Director Christiansen reported they are active and working to get the remaining \$600,000. This is anticipated to be raised after the lodge is completed. Commissioner Rettig commented the last cash flow the Commission reviewed was in December and need to review an updated cash flow. Commissioner Rettig recommended contacting Ducks Unlimited because they may be interested in having their convention there. Commissioner Kramer inquired on the bond authority's position. Deputy

Director Christiansen is in constant contact with them and she believes they understand the delays that have occurred. Commissioner Kircher inquired on how many reservations have been cancelled and how many do we have. Deputy Director Christiansen gave number as of 07/01/08, which includes cabin rooms. The wedding will still happen and the NRC meeting will be moved to October.

### **Public Participation**

Doyle Adams - re Item #19, panfish limits: opposed limits

Ken Purdy, Lake Odessa for the People - re Lake Odessa issues

Jeremy Rosonke, Waterfowl Association of Iowa - re Chapter 91 Waterfowl and Coot Hunting Seasons Emergency Final Rule issues: does not agree with shortening the season

## **6. Construction Projects**

### **6.1 Silver Lake, Dickinson County -- Floating Fishing Pier, Decision**

This project consists of the construction of an ADA approved floating fishing pier with adjoining walkway and the construction of a crushed stone surfaced parking lot and other related work as required by the Plans and the DNR Construction Inspector. The purpose of this project is to allow easier handicapped accessible access to fishing in Silver Lake. Project was designed by Ken Jackson and will be inspected by Don Labate. DNR estimate is \$30,000. Project is budgeted 75% Dingle Johnson and 25% Fish and Wildlife Trust (Capital Link #44). 6 plans were issued. 1 bid was received.

Graves Construction Co. Inc.	Spencer, IA.	\$98,282.50
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Staff recommends the rejection of the lone bid.

Commission Rettig moved. Commission Francisco seconded. Don Labate informed the Commission that some recent bids have been high and the Department will be bidding this and other projects as packages. Motion carried.

### **6.2 Center Lake, Dickinson County -- Handicapped Access Fishing Pier, Decision**

This project consists of the construction of a fixed fishing pier with treated wood deck and railing system with adjoining walkway and other related work as required by the Plans and the DNR Construction Inspector. The purpose of this project is to allow easier handicapped accessible access to fishing in Center Lake. Project was designed by Ken Jackson and will be inspected by Don Labate. DNR estimate is \$50,000. Project is budgeted 75% Dingle Johnson and 25% Fish and Wildlife Trust (Capital Link #40). 5 sets of plans were issued. 2 bids were received.

Graves Construction Co. Inc.	Spencer, IA	\$120,337.50	Christensen
Construction & Design Co.	Spencer, IA	\$121,570.00	

Staff recommends rejection of all bids.

Commissioner Kircher moved. Commissioner Francisco seconded. Commissioner Rettig inquired, after Don Labate noted that in a future letter the size of the pier would be reduced, on why size down versus waiting until next year. Labate discussed the materials costs, especially steel costs, continues to rise, and this is a package used before and therefore we can get savings in two ways. Motion carried.

### **6.3 Yellow River State Forest, Allamakee County-Low Water Crossing, Decision**

This project consists of the reconstruction of two existing concrete low water crossings and other related work as required by the Plans and the DNR Construction Inspector. The purpose of this project is to replace existing low water crossings that are in poor condition with new textured concrete crossings, improving safety for the Public. This project cannot begin until after Labor Day to allow for Campground scheduling. DNR estimate is \$70,000. Project is budgeted 100% Park and Institutional Road Fund (Capital Link #84). Project was designed by Ken Jackson and will be inspected by Mel Pacovsky. 11 sets of plans were issued. 5 bids were received.

Walleser Excavating	Lansing, IA	\$44,500.00
Thomas Concrete	Lansing, IA	\$48,458.50
Wicks Construction	Decorah, IA	\$60,662.40
Tschigffrie Excavating Co.	Dubuque, IA	\$65,395.54
Skyline Construction Inc.	Decorah, IA	\$75,503.99

Staff recommends award to low bidder, Walleser Excavating.

Commissioner Kramer moved. Commissioner Drees seconded. Commissioner Drees inquired if these were vehicle crossings. Labate confirmed they were. Motion carried.

#### **6.4 Nine Eagles State Park, Decatur County-Cabin Area Utilities and Equestrian Area Water, Decision**

This project consists of the extension of the sewer and water services to the future cabin site and the extension of water services to the equestrian area and other related work as required by the Plans and the DNR Construction Inspector. Construction of this project will allow for utility connections to future cabins. Sanitary sewer is connected by gravity to an existing manhole, which flows to an existing treatment lagoon. Water service will be extended from the beach area, approximately 500 feet, to the future cabin site. This project will also provide water to the equestrian area. A connection will be made from rural water on the north edge of the park to the equestrian area, approximately 1600 feet. This will eliminate the need to haul water in tanks for horse and human consumption. A drinking fountain will be installed between the shelter and playground near the campground for visitor use. Project was designed by Jason Kruse and will be inspected by Jason Kruse. DNR estimate is \$41,000. Project is budgeted 75% REAP Land Management and 25% local donation (Capital Link #153). 8 sets of plans were issued. 1 bid was received.

Communication Technologies	Huxley, IA	\$89,578.00
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Staff recommends rejecting lone bid and rebidding at a later date.

Commission Rettig moved. Commission Francisco seconded. Motion carried.

#### **6.5 Backbone State Park, Delaware County -- Flood Damage, Decision**

This project consists of the repair of flood damaged park roads, spillway embankments, parking areas, the beach area and the boat ramp loop. Project was designed by Dave Heer and will be inspected by Dave Heer. DNR estimate is \$388,000. Project is budgeted 75% FEMA and 25% Parks and Institutional Road Fund. 11 plans were issued. 3 bids were received.

Tschigffrie Excavating Co.	Dubuque, IA.	\$404,116.95
Taylor Construction, Inc.	New Vienna, IA	\$448,395.50
Connolly Construction, Inc.	Peosta, IA	\$471,384.35

Staff recommends award to the low bidder, Tschigffrie Excavating Co.

Commissioner Kramer moved. Commissioner Francisco seconded. Commissioner Rettig inquired about the same employee designing and inspecting the project, which she commented has not been an engineering norm. Labate informed that it is preferred by designers to inspect their own projects, but due to staff limitations it does not often occur that way. Commissioner Francisco inquired if this was designed to handle future flooding. Labate responded yes and FEMA is allowing for partial payment for future mitigation on emergency projects. Commissioner Garst asked if FEMA money is a guaranteed amount. Labate said they require you to start the work and they decide what they will pay after completing their review. Commissioner Garst confirmed P&I funds would be used for this project and the P & I fund will be replenished with FEMA payments. Motion carried.

## **6.6 Green Valley State Park, Union County Consulting Firm Selection for the Design of the Modified Spillway, Decision**

A Request for Proposal (RFP) was issued to solicit proposals from qualified engineering consulting firms with experience in providing engineering and consulting services for the design of a modified spillway at the lake outlet.

The existing spillway structure will be modified to add a fish barrier and to rehabilitate the existing spillway due to age and wear. This will eliminate rough fish from the lake and is timed to coincide with other major modifications at the park, habitat development, and a lake drawdown.

The proposals will be reviewed by a four member evaluation committee: Ken Jackson, Don Labate, Heath Delzell and Mike McGhee. The evaluation committee scored the submitted proposals based on the following criteria: 1) capability to undertake the project by the firm (30); 2) technical expertise (30); 3) work plan to execute the project (20); and 4) cost of service (20).

Staff will bring a recommendation to the Commission meeting upon receipt of the proposals and review by the evaluation committee. Funding will be provided by Lake Water Quality Improvement Fund (Capital Link #97).

Commissioner Rettig moved. Commissioner Garst seconded. Commissioner Drees expressed his appreciation for seeing scoring committee information and would like to see the scoring matrix in the future. Commissioner Francisco recommended using native grasses along the road side instead of cool season grasses. Motion carried.

## **7. Land Acquisition**

### **7.1 Dolliver State Park, Webster County-Kevin C. and Lucile A. Stumpf Revocable Trust, Decision**

The Natural Resource Commission's approval is requested to accept the donation of a permanent flowage easement and temporary access easement on land adjacent to Dolliver State Park in Webster County. This easement shall serve to contain, on a short term basis, water from a control structure on the adjoining State owned land to the east. The flowage easement reflects an area of approximately .3-acres. The Stumpf Trust offers the donation of this easement. Dan Kinsinger facilitated this easement. A water control structure will be constructed on State property east of the Stumpf property. On an infrequent basis, there is the potential for water to back up on the

Stumpf property once the water control structure is in place. During those times, the water will be held only until the control structure returns to its normal holding capacity. The easement area primarily involves tillable land. The temporary access easement will allow the contractor access to the State land for construction of the water control terrace. Access will be allowed only after the 2008 crop has been harvested, with the exact route to be determined by the landowners. No surveying costs are anticipated. The Department is responsible for replacement of any fencing removed during the construction phase of the project. In the event that there were future need for additional fencing, it will be at the expense of the Department. Incidental closing costs will be the responsibility of the Department.

Commissioner Francisco moved. Commission Rettig seconded. Commissioner Garst commented on the generosity of this gift and inquired on the motivation. Dan Kinsinger noted there is an erosion issue that this will help the owner with. Commission Rettig commented there were no land acquisition maps included. Linda Hanson will ensure inclusion in the future. Motion carried.

## **7.2 Bluffton Fir Stand State Preserve, Winneshiek County-The Lucille White Estate, Decision**

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Winneshiek County. The Lucille White Estate (11 individuals) offer the 85.5-acre parcel for the appraised value of \$427,500. DNR-owned land, known as the Bluffton Fir Stand State Preserve, is located immediately south of the property. Adjacent to the north is the Winneshiek County owned land known as the Bluffton Bluffs Area. Licensed Appraiser, Brian Linnemeyer, of Indianola, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement. The property is an irregular shaped parcel with access from a gravel-based county road that runs along the south edge of the property. The property is a mix of tillable and non-tillable land. The tillable land, 45.86 acres, is described as second bottomland. Only a small portion of the tillable land is subject to flooding from the Upper Iowa River, which runs through and along the property. The balance of the land is a mix of upland hardwood timber that includes rock bluffs along the river edge making it one of the more scenic areas in the Upper Iowa River corridor. Also included with the property is a building site with an old (1903) home dwelling and other miscellaneous outbuildings. This acquisition provides an excellent opportunity for re-forestation of floodplains and conversion of cropland to prairie. Maderate bluffs associated with this tract are likely locations for endangered snails. The Conservation and Recreation Division will manage the property in accord with the area management plan. Funding used for this acquisition will be Federal Pittman/Robertson Wildlife Restoration (\$149,000), Wildlife Habitat Stamp (\$127,500), the Iowa Natural Heritage Foundation (\$71,000), and REAP Protected Waters Areas (\$80,000) (Capital Link #6). The INHF will be directing a portion of private contributions to its *Campaign for The Bluffs, The Hills, The Lakes* into this project. The property will remain on the Winneshiek County property tax rolls. Incidental closing costs will be the responsibility of the Department.

Commissioner Rettig moved. Commissioner Kramer seconded. Commissioner Francisco inquired if the Conservation and Recreation Division was managing this property versus a designated bureau. Response noted it will be. Motion carried.

## **8. Land Management**



### **8.1 Chapter 18 Lease, Five Island Lake, Palo Alto County -- Rick and Carol Reed, Decision**

The Natural Resource Commission's approval is requested for the renewal of Chapter 18 Lease Number 94-R with Rick and Carol Reed of Emmetsburg, Iowa. The lease is a condition of a construction permit issued in 1993. The area has been under lease since 1993. The lease allows a 30' wide by 55' long access to the Reed property from a public access road to Five Island Lake. The site is located in Section 18, Township 96 North, Range 32 West of the 5<sup>th</sup> P.M., Palo Alto, County. The public access road is currently maintained on a seasonal basis. The lessee may remove snow from the access road to benefit access to their property. The term of the lease will be for five years. The annual fee is \$150.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Commissioner Kircher moved. Commissioner Drees seconded. Motion carried.
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### **8.2 Chapter 18 Lease, Missouri River, Woodbury County -- L.G. Everist, Inc., Decision**

The Natural Resource Commission's approval is requested for the renewal of Chapter 18 Lease Number 91-R with L.G. Everist, Inc. of Sioux Falls, South Dakota. The location has been under lease since 1993. The leased area is located on the bed of the Missouri River in the Southwest quarter of Section 13, Township 88 North, Range 48 West in Woodbury County, Iowa. It is located approximately 1.5 miles south of the Interstate Highway 29 bridge at Missouri River Mile 727.3 at Bridgeport Industrial Park, Sioux City. The leased area contains 4 timber dolphin pilings occupying less than 500 square feet of riverbed and allows the extension of a loading conveyor over the Missouri River. The dolphins are used to tie barges for the loading of construction aggregates. The term of the lease will be for five years. The annual fee is \$300.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Commissioner Garst moved. Commissioner Kramer seconded. Motion carried.
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### **8.3 Chapter 18 Lease, Triboji Beach, Dickinson County -- Ann Plendl, Decision**

The Natural Resource Commission's approval is requested for the renewal of Chapter 18 Lease Number 36-R with Ann Plendl of Kingsley, Iowa. The area has been under lease since 1983. The leased area is approximately 5 feet wide by 10 feet long and is adjacent to Lot 18, Block A of the Triboji Beach Subdivision in Section 2, Township 99 North, Range 37 West of the 5<sup>th</sup> P.M., West Lake Okoboji, Dickinson County, Iowa. The area contains a small boat storage house and steps for dock access. The term of the lease will be for five years. The annual fee is \$150.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Commissioner Kircher moved. Commissioner Drees seconded. Linda Hanson noted that Chapter 18 revisions will be coordinated with Chapter 13. Commissioner Rettig inquired on the timeline for bringing Chapter 18 and Chapter 13 before the Commission. Attorney Myers stated September will be an information item and in October it will be a decision item to begin this process. Motion carried.
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### **8.4 Easement, Glover's Point Bend Wildlife Management Area, Woodbury County -- U.S Army Corps of Engineers, Decision**

The Natural Resource Commission's approval is requested to issue a fifty year easement to the U.S. Army Corps of Engineers to maintain constructed improvements to enhance wetland habitat at Glovers Point Bend Wildlife Management Area in Woodbury County, located on the Missouri River approximately 10 miles downstream of Sioux City. Greg Jones facilitated the Easement Agreement. The easement will cover the north 18 acres of an approximately 67 acre parcel of Iowa sovereign land located west of the existing river channel. The land accreted to the sovereign bed of the river as a result of the Corps' improvement projects constructed along the river since the 1940s. A water control structure was constructed on DNR property, under an issued DNR construction permit, as part of a larger project primarily located in Nebraska. The \$4M project was federally funded under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project. The easement will convey the right to create, establish, construct, maintain, patrol, regulate, preserve, and restore fish and wildlife habitat and appurtenant structures; the right to post signs indicating the extent of the federal government's control within the area covered by the easement; and to use existing road systems and other land under the easement for ingress and egress for the purposes exercising the rights granted. The value of the wetland habitat improvement to be made to Glover's Point Bend Wildlife Management Area is the consideration for the easement.

Commission Drees moved. Commission Francisco seconded. Motion carried.
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#### **8.5 Easement, Tyson's Bend Wildlife Management Area, Harrison County -- U.S. Army Corps of Engineers, Decision**

The Natural Resource Commission's approval is requested to issue a fifty year easement to the U.S. Army Corps of Engineers (Corps) to construct and maintain wetland habitat improvements and expand the backwater area Tyson's Bend Wildlife Management Area in Harrison County. Tyson's Bend Wildlife Management Area is located on the Missouri River six miles upstream of Desoto Bend National Wildlife Refuge and approximately 4 miles west of the town of Modale. Greg Jones facilitated the Easement Agreement. The easement will cover approximately 760 acres of public owned land accreted to the sovereign bed of the river as a result of the Corps' improvement projects constructed along the river since the 1940's. Federal funding under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project will be used for construction. Estimated cost for phase one construction is \$5M. Construction for phase one is scheduled to begin in fall of 2008. The cost for phase two is estimated to exceed \$5M. DNR Wildlife and Fisheries Bureau staffs have participated in the project review and concur with the proposed project plan. The easement will convey the right to create, establish, construct, maintain, patrol, regulate, preserve, and restore fish and wildlife habitat and appurtenant structures; the right to post signs indicating the extent of the federal government's control within the area covered by the easement; and to use existing road systems and other land under the easement for ingress and egress for the purposes exercising the rights granted. The value of the wetland habitat improvements to be made to the Tyson's Bend Wildlife Management Area is proposed as the consideration for the easement.

Commission Kramer moved. Commission Drees seconded. Motion carried.
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#### **8.6 Management Agreement, Prairie Resource Unit, Polk County -- Department of Corrections and Polk County Conservation Board, Decision**

The Natural Resource Commission's approval is requested for a 20 year Management Agreement between the Department of Natural Resources (DNR), the Department of Corrections (DOC) and the Polk County Conservation Board (PCCB) to provide for native seed production for use on public lands. Greg Jones facilitated the Management Agreement. The purpose of the Agreement is to provide work through public service opportunities for offenders in the Iowa Correctional Institution for Women in Polk County; to provide labor and growing facilities for the Iowa DNR Prairie Resource Center; and to enhance the cooperative program between the DNR and the PCCB to create wildlife habitat diversity on public lands. Under the agreement, the DOC will provide land needed for native seed production; greenhouse space and associated utilities for propagation of native plants; labor for greenhouse operation; and all offender supervision and security. All operations will be on property owned by the DOC. The DNR will provide all propagated plants for production plots; all consumable project materials such as planting medium, seed and weed barrier fabric; a seed dryer; cleaning and processing of seed; and transportation of seed and plants to and from the DOC facility. The PCCB will provide equipment for soil preparation and installation of weed barrier fabric and personnel to provide guidance in the planting, maintenance and harvest of seed production plots. The DNR and the PCCB will share equally in harvested seed. All seed will only be planted on public land. The agreement will allow a 30 day termination in the event of lack of funding or law changes.

Commission Francisco moved. Commission Kramer seconded. Commission Garst inquired if there is a shortage of seed. Ken Herring informed that there is a low supply and the demand for Iowa ecotype diversity on our land is what we produce it for and this will help meet a need for the diversity. Commission Kramer commented on the benefits to prison inmates and their work with the Prairie Resource Center. Motion carried.

#### **9. DNR Conservation Easement Program, Information**

Dan Kinsinger, Office of Realty Services, will provide information to the Natural Resource Commission regarding the DNR Conservation Easement Program.

Dan reported that the goal is to promote and encourage the conservation easement program. It is a tool to help us manage land without owning it and to tie land together for resource management. Linda Hanson added that endowments for land management are being researched. Commissioner Garst complimented the staff on the amount of progress on this issue and encouraged staff be given a list for them to be able to explore more easements. Commissioner Garst encouraged finding money to continue this program because it is not a free program and suggests that Dan Kinsinger present before the NRC in six months and include materials regarding education staff of what to look for in easement donations.

#### **10. 2008 Flood Damage, Information**

The Department will provide the Commission information regarding the 2008 flood damage affecting the Conservation and Recreation Division, to date.

Dr. Dale Garner presented on damage to wildlife properties. The damage is approximately \$4 million in repair cost and \$1 million in crop loss. Commissioner Rettig noted that the \$4 million sounds low. Dr. Garner stated it is a good estimate but we are still reviewing the damage and will know more after all the water has receded. Commissioner Kramer asked if this was a

conservative estimate. Dr. Garner noted the estimates are being done by those who have experience in evaluating this type of damage.

Paul Tauke presented on damage to the forest resource. Tornados and wind caused the most damage, such as in the Loess Hills area. The tornado that hit this area took a wide swath. 46,000 acres are still being evaluated for damage losses. Commissioner Rettig noted, besides the flood, tornado, and wind damage, there have been two years of ice storms and do we have an estimate of the tree damage in Iowa the last two years? Paul noted the US Forest Service collects data on portions of plots which could identify a decline and the 2007 data is expected to come out in another 4-6 months. Our management plans help to identify the damage as we use this good management to remove those trees when they are in a decay stage before the event occurs to affect them. Commissioner Kramer asked if Forestry also works with prairie. Paul informed they work with private landowners and assist or direct them to the Department's private lands programs. Commissioner Garst

Lowell Joslin presented on the response Law Enforcement assisted with during tornadoes and flooding this summer: search and rescue, traffic control, patrol for looters, administering first aid, evacuation assistance, assist with environmental impact assessment, provide security, assist with prisoner evacuation from jail, and transport municipal employees by boat evaluation. The hours for one flood equaled more than 1 FTE.

Martin Konrad presented on the loss in the Fisheries Bureau. Most of the damage is due to facility damage, such as building damage and fish loss (ie 280,000 trout lost). Operation costs include: loss of fish, staff time now dedicated to clean up, trout stocking reduced, long-term impacts to aquatic resources. Commissioner Francisco inquired about Cedar Rapids' Cloud Run status. Martin will research and provide information. Commissioner Francisco noted there was a good news release about the trout donations and inquired about it being submitted for donation recognition. Martin will check into it.

Kevin Szcodronski presented on storm damage in state parks. 32 parks impacted. Early estimates \$3.3 million to park infrastructure and lost revenue early estimates \$1,175,000 but campgrounds are still closed continuing revenue loss. This equals a current fiscal impact of \$4,484,450. Commissioner Rettig suggested taking some of the photos of the disaster to be transformed into postcards for sale in the Nature Store.

#### **11. Chapter 71 - Nursery Stock Sale to the Public NOIA, Decision**

The Commission's approval is requested for publication of a Notice of Intended Action to amend Chapter 71, "Nursery Stock Sale to the Public." The proposed amendment will change the number of plants that customers may purchase, will include commercial nurseries among the eligible purchasers, and will change the prices and types of plants available through the nursery. A price increase is needed to help cover increasing labor and production costs.

#### **NATURAL RESOURCE COMMISSION [571]**

##### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 71, "Nursery Stock Sale to the Public," Iowa Administrative Code.

This rule provides the descriptions of plants made available through the State Nursery, the obligations of customers purchasing plants from the State Nursery, and the prices of such plants.

The proposed amendments clarify which customers must meet the obligations enumerated in the rule, provide for the sale of additional plants, and amend the prices of plants made available for sale under these rules.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 30, 2008. Written comments may be directed to the Forestry's Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Forestry Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Forestry Bureau at (515)281-5034 or at the Forestry Bureau offices on the fourth floor of the Wallace State Office Building. In addition, twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.” Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

These rules are intended to implement Iowa Code sections 456A.20, 461A.2 and 1989 Iowa Acts, chapter 311, section 16.

The following amendments are proposed.

**ITEM 1.** Amend 571—Chapter 71, title, as follows:

**NURSERY STOCK SALE TO THE PUBLIC SALES**

**ITEM 2.** Amend subrules 71.2(2) and 71.2(3) as follows:

71.2(2) Order limitations.

a. The minimum acceptable order shall be 500 plants in total with the minimum number of 100 plants of one species.

(1) To complete ~~the~~ a previous year's planting, a purchaser may order less than 500 plants with a minimum of 100 plants of one species.

(2) Special purpose packets shall contain the number and species of plants as determined annually by the state forester but not to exceed 400 plants.

b. If a shortage occurs, substitution of suitable species may be made at the discretion of the state forester.

c. Nursery stock shall be sold only for planting within the state of Iowa. Commercial nurseries, other state agencies within the state of Iowa, and federal agencies may purchase plants provided those plants are planted within the state of Iowa.

71.2(3) Customer obligation.

a. Nursery stock planted on private land shall be for the purpose of wildlife habitat establishment, the control of soil erosion or to establish forest cover.

b. ~~Purchasers of~~ All private landowners who purchase nursery stock for planting on private land shall, as part of the order, be required to certify the plants will be used for wildlife habitat, erosion control or forestation purposes and will not be used to establish a new farmstead windbreak, shade trees or ornamental plantings.

c. ~~All purchasers of~~ private landowners who purchase stock shall, as a part of the plant order, be required to certify as to the county in which the nursery stock will be planted.

d. ~~All purchasers~~ private landowners who purchase shall be required as a part of the plant order, to certify that the plants purchased will not be sold with roots attached.

e. All commercial nurseries, state agencies within the state of Iowa, and federal agencies shall be required to certify that the plants purchased will be planted within Iowa.

**ITEM 3.** Amend subrule 71.3(1) as follows:

71.3(1) Prices for hardwoods shall be as follows:

a. ~~Oak, Aspen, oak~~, hickory, walnut, pecan and basswood, 6" to 16" - \$40 per hundred plants.

b. ~~Oak, Aspen, oak~~, hickory, walnut, pecan and basswood, ~~17" and larger~~ 16" to 24" - ~~\$45~~ \$50 per hundred plants.

c. Other hardwood tree species, 6" to 16" - \$37 per hundred plants.

d. Other hardwood tree species, ~~17" and larger~~ 16" to 24" - ~~\$42~~ \$47 per hundred plants.

e. Hardwood tree species, 24" to 48" - \$100 per 100 plants.

f. Improved selections, 6" to 16" - \$80 per 100 plants. For purposes of this rule, improved selections mean plants that have been developed and bred by the department of natural resources to perform superior to regularly cultivated plants in the following ways, by illustration and without limitation: faster growth, disease resistant or tolerant, and improved form.

g. Improved selections, 16" to 24" - \$100 per 100 plants.

h. Improved selections, 24" to 48" - \$150 per 100 plants.

**ITEM 4.** Amend subrule 71.3(2) as follows:

71.3(2) Prices for shrubs shall be as follows:

a. ~~Elderberry, buttonbush, dogwood, and Nanking cherry~~ Shrub species, 6" to 16" - ~~\$37~~ \$40 per hundred plants.

b. ~~Elderberry, buttonbush, dogwood, and Nanking cherry~~ Shrub species, ~~17" 16"~~ and larger - ~~\$42~~ \$50 per hundred plants.

c. ~~Other shrub species, 6" to 16" - \$40 per hundred plants.~~

d. ~~Other shrub species, 17" and larger - \$45 per hundred plants.~~

**ITEM 5.** Amend subrule 71.3(3) as follows:

71.3(3) Prices for conifers shall be as follows:

a. Conifers 6" to 16" - \$25 per hundred plants.

b. Conifers ~~17" 16"~~ and larger - ~~\$30~~ \$35 per hundred plants.

**ITEM 6.** Amend subrule 71.3(4) as follows:

71.3(4) Prices for wildlife packets shall be ~~\$90~~ \$100 each.

**ITEM 7.** Amend subrule 71.3(6) as follows:

71.3(6) Prices for walnut seed shall be \$3 per ~~pound~~ bushel.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

Commissioner Kramer moved. Commissioner Drees seconded. Commissioner Rettig inquired about restrictions on private use being more strict than business use. Paul Tauke informed the private nursery industry was historically concerned about a competition issue and this was considered regarding the rule in the 1980s. Commissioner Francisco informed there is a statute that the Department cannot compete with industry. Paul added that language is also included that the Department shall cooperate with private industry. This will also provide a revenue option for the nursery. Commissioner Francisco commented if we opened up the nursery to private industry they will be getting Iowa trees instead of bringing trees from other states. Also, when foresters assist landowners with wind breaks and receive vendors or financial options;

private individuals have been known to join together to meet the minimum amount to buy. Commissioner Garst commented that the part she is interested in is the wind break aspect of this issue especially since it brings in federal subsidy. Paul informed that the original rule had wind breaks in it and there was a sticking point with a stakeholder who had difficulty with wind breaks. Also, in the original iteration, it was asked to sell bundles of 25 instead of having to buy 500 but it received resistance by the private industry. Commissioner Garst asked if the nursery is covering the direct cost with these new prices. Paul stated that would depend on the sales. Without a price increase, we will not be able to cover cost. Paul noted there is no change from the original rule regarding restrictions to private industry. Roll Call Vote: William Bird - aye, Gregory Drees - aye, Richard (Kim) Francisco - aye, Elizabeth Garst - nay, Tammi Kircher - aye, Carol Kramer - nay, Janelle Rettig - nay. Motion carried.

## **12. Chapter 45 - Boat Motor Regulations Lake Icaria NOIA, Decision**

The Commission is asked to approve the Notice of Intended Action to amend Chapter 45, "Boat Motor Regulations," Iowa Administrative Code. This proposed amendment is being requested by the Adams County Conservation Board to eliminate the existing rule requirement for a 300 horsepower limit for motor boats on Lake Icaria in Adams County. Modern boats have higher horsepower rating (greater than 300) and, as a result, the existing horsepower limit has restricted many of the recently manufactured boats from legal use/access to Lake Icaria.

### **NATURAL RESOURCE COMMISSION[571]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 45 "Boat Motor Regulations," Iowa Administrative Code.

This amendment is requested by the Adams County Conservation Board to eliminate the existing rule restriction of a 300 horsepower limit for motor boats on Lake Icaria in Adams County. Many modern boats have higher horsepower ratings (greater than 300) than older manufactured boats and as a result, the existing horsepower limit has become outdated and is restricting many of the recently manufactured boats from legal use/access to Lake Icaria.

Any person may make written comments on this proposed rule amendment on or before October 8, 2008. Such comments and written material should be directed to the Law Enforcement Bureau; Wallace State Office Building; Iowa Department of Natural Resources; 502 East 9<sup>th</sup> Street; Des Moines, Iowa 50319-0034. Persons who wish to convey their comments orally should contact Steve Derrand of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on October 8, 2008, at 8 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who attend the public hearing and have special needs such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement section 456A.25 of the Code of Iowa.

The following amendment is proposed.

Amend subrule 45.4(3), paragraph "b," as follows:

b. Lake Icaria, Adams County – motorboats of inboard/outdrive type ~~with power not to exceed 300 horsepower~~. Vessels must be operated at a no-wake speed when within 50 feet of another vessel which is not underway or is operating at a no-wake speed. Additional speed and distance regulations apply as established in 571—40.20(462A).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

Commissioner Rettig moved. Commissioner Francisco seconded. Commissioner Francisco inquired if Lake Icaria is managed under an agreement. Chief Joslin informed, yes. He clarified that the lake has some motor restrictions within the area and the County Conservation Board manages the area and has asked for this limit. Commissioner Garst asked why there is a restriction in the first place. Chief Joslin responded that it has been a historic limit. Commissioner Kircher expressed concern about the horsepower on this 600 acre lake compared to Rathbun Lake (11,000 acres). The Commission has asked staff to provide information on the effects this size motor will have on erosion. Item tabled with a unanimous vote.

### **13. Chapter 81, Fishing Regulations NOIA, Decision**

NRC approval is requested to file a Notice of Intended Action to amend Chapter 81, Sport Fishing Rule. The proposed amendments establish a statewide 25 and 50 bag and possession limit individually for both bluegill and crappie in public waters of the state. The daily bag and possession limits will align with the limits in place for five years on the Mississippi River.

## **NATURAL RESOURCE COMMISSION [571]**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 81 “Fishing Regulations,” Iowa Administrative Code.

The proposed amendments establish a statewide daily bag and possession limit for bluegill and crappie in public waters.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 10, 2008. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa, 50319-0034; fax (515) 281-6794; or E-mail Marion.Conover@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be five public hearings as follows:

September 30, 2008	7 p.m.	Senior Citizen Center 411 Walnut Street Atlantic, Iowa
October 1, 2008	7 p.m.	Hartman Reserve Nature Center 657 Reserve Drive Cedar Falls, Iowa
October 2, 2008	7 p.m.	Dickinson County Community Building 1602 15 <sup>th</sup> Street



		Spirit Lake, Iowa
October 3, 2008	3 p.m.	Fourth Floor Conference Room Wallace State Office Building 502 E. 9 <sup>th</sup> Street Des Moines, Iowa
October 9, 2008	7 p.m.	Pioneer Ridge Nature Center 1339 US Hwy 63 Bloomfield, Iowa

At the public hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.67.

The following amendments are proposed:

**ITEM 1.** Amend rule 571--8.1 (481A) as follows:

**571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.**

INLAND WATERS OF THE STATE WATERS					BOUNDARY
KIND OF FISH	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0		Same as inland waters
Shovelnose Sturgeon	Continuous	None	None	None	Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River
Paddlefish*	Continuous	2	4	None	Same as inland waters

Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River
Trout	Continuous	5	10	None*	Same as inland waters
Catfish*	Continuous	8 Lakes 15 Streams	30	None	Same as inland waters except no bag or possession limit in the Mississippi River
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3	6 Aggregate	In See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10 See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux and Missouri Rivers See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5, possession limit 10; except daily bag limit 6, possession limit 12, in the Big Sioux River
INLAND WATERS OF THE STATE					
BOUNDARY WATERS					
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40"	Same as inland waters
Crappie	Continuous	25*	50*	None	Same as inland

					<u>waters</u>
					<u>Same as inland waters except in aggregate with pumpkinseed on the Mississippi River</u>
<u>Bluegill</u>	<u>Continuous</u>	<u>25*</u>	<u>50*</u>	<u>None</u>	
All other fish species*	Continuous	None	None	None	See below*
Frogs (except bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

\*Also see 81.2(481A), Exceptions.

**ITEM 2.** Amend subrule 81.2(12) as follows:

**81.2(12) Panfish.** The daily bag and possession limit for crappie and bluegill applies only to public waters of the state. In all waters of the Mississippi River, the daily bag and possession limit applied individually to crappie, yellow perch and rock bass shall be 25 and 50, respectively. In all waters of the Mississippi River, the daily bag and possession limit applied in the aggregate for bluegill and pumpkinseed and for white bass and yellow bass shall be 25 and 50, respectively.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

Commissioner Francisco moved. Commissioner Drees seconded. Commissioner Rettig expressed her concerns regarding a regulation when there is no scientific data backing up the proposed change and commented that the possession limit may impede the fishing for food needs of those at the poverty level. Commissioner Francisco moved to make a motion that we strike the possession limit for blue gill and crappie, based on information provided by Marion Conover, Fisheries Bureau Chief. Rettig seconded to remove the possession limit. Commissioner Drees commented if poor people were relying on fishing to meet their needs, there would be more family members fishing. The possession limit would allow 50 of each species. 5 ayes for the possession limit amendment, 2 nays for the possession limit amendment. Amendment passed.

Commissioner Garst inquired if panfish populations need to be controlled. Martin Konrad reported that people are encouraged to fish, but people are not asked to harvest fish to keep fish to a good quality. This occurs under the Department's fish management. Commissioner Francisco commented on the conflicting comments between those supporting and those not supporting this rule. He noted these do not include non-resident comments and does not think this is an enforceable rule. Commissioner Kramer asked how the rule will be enforced. Ken Herring reminded this will exclude private lands and enforcement would be on public land only. Roll Call Vote: William Bird - aye, Gregory Drees - aye, Richard (Kim) Francisco - nay, Elizabeth Garst - aye, Tammi Kircher - aye, Carol Kramer - aye, Janelle Rettig - nay. Motion carried as amended.

#### **14. Agreement with the City of Storm Lake, Decision**

Approval is requested for the Department of Natural Resources Department to enter into an agreement with the City of Storm Lake. The purpose is to continue lake dredging operations at Storm Lake (Buena Vista County). This project is being funded through the State of Iowa's Lake Water Quality Improvement Program, and current FY09 legislation allocated \$1,000,000 for lake restoration at Storm Lake. This project is listed in the DNR's FY 2009 Capital Projects and Program Plan. Local funding is also being raised and contributing to this project. The City of Storm Lake is requesting \$1,000,000 for FY 09 operations. The City of Storm Lake is following a dredging plan that will require an additional five to six years to complete. During the past six fiscal years, the department has contributed a total of \$2.75 million dollars to this dredging operation. We recommend that the Department enter into an agreement with the City of Storm Lake for this lake restoration project.

Commissioner Kircher moved. Commissioner Drees seconded. Commissioner Garst inquired on the local match. Martin said there is no hard local match for this although the city owns, operates, maintains the dredge. Director Leopold commented on the clean water that is occurring at 4" a year. Commissioner Garst noted local participation is of the essence and encourages the staff to continue seeking local match. Diane Ford-Shivvers commented that there is a \$750,000 local match noted through the lakes restoration project. Motion carried.

(3pm Commissioner Kramer leaves the meeting; 6 commissioners remaining.)

#### **15. Severe Weather Protocol in State Parks, Information**

The Natural Resource Commission requested information on procedures taken by staff to inform and provide a safe place for state park visitors during times of severe weather. This request was prompted by the several occurrences of tornados, storms, high winds, and heavy rainfalls throughout the state this spring and summer. The primary purposes of this item are to: (1) present existing procedures for informing park visitors of incoming severe weather; (2) identify alternatives currently available for storm shelters; and (3) describe the ways park staff are trained on severe weather protocol. The information will reveal that staff are generally doing a good job informing park visitors of incoming severe weather, but subsequent action taken by staff and park visitors can be improved. Very few parks have sufficient shelter for all potential park visitors. Even after being adequately informed, many park visitors choose not to seek shelter because they believe the severe weather will not ultimately be too bad or it will either pass over or around them. While park staff are trained on severe weather protocol, improvements can be made on consistency and frequency of training. Staff will continue to analyze all existing protocol for severe weather and develop needed improvements. Available funds will determine ultimate progress on costly improvements.

Commissioner Garst moved to table this presentation. Commissioner Rettig seconded. Motion carried - item tabled.

#### **16. Interagency Agreement with Department of Public Health, Decision**

The Natural Resource Commission is hereby requested to authorize the director to enter into an agreement for DNR to provide \$50,000 to the Iowa Department of Public Health. The Parks, Fisheries, and Wildlife Bureaus have programmed \$20,000, \$15,000, and \$15,000, respectively, in their budgets for this agreement. DPH will in turn forward the DNR's contribution to Iowa

Council of Governments to coordinate local initiatives. The Parks, Fisheries, and Wildlife Bureaus are developing an alliance with DPH to coordinate promotion of life style changes that make for healthier Iowans. DPH has for years been advocating healthy eating and exercise habits. Many people are just beginning to realize that enjoying the outdoors and engaging in recreation activities are important parts of the formula for better health. Fresh fish and wild game are known to be important contributors to a healthy diet. In addition to DPH's statewide work, many local entities have programs directed at healthier lifestyles. The challenge is to get these oftentimes independent programs to better understand and link with one another to achieve increased benefits. To that end, the DNR and DPH are working with Iowa's 17 Council of Governments (COGs) to coordinate local initiatives. The first phase is the COGs designing and hosting 18 conferences across the state for participants to better understand and appreciate the potential mutual benefits of local initiatives. The goal is to transform the enthusiasm created at each conference into productive, action-oriented local alliances. The plan also includes each COG assigning a staff person to spend at least part time nurturing these local alliances to seek future funding to create and implement programs. DPH via a contract with the COGs is contributing \$60,000 in addition to the DNR's contribution to carry out the conferences and follow-up work. The COGs themselves are each committing \$1,250 for a statewide contribution of \$22,500 to the project. The DPH and COGs are also working on an application for a grant from the Wellmark Foundation to increase the money and resources available to this initiative.

Commission Garst moved. Commission Francisco seconded. Commission Kircher expressed this is a wonderful idea and suggested to incorporate it with Lighten Up Iowa. Kevin shared he is working with the Lt. Governor's office regarding the many possibilities. 5 in favor, Commission Rettig abstained due to having an application in with Wellmark for a similar project. Motion carried.
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### **17. Chapter 106 Deer Hunting by Residents NOIA, Decision**

The Commission is requested to approve this Notice to amend Chapter 106, "Deer Hunting by Residents." This rule sets the season dates, shooting hours, licenses types, quotas and restrictions, method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits. The proposed amendment clarifies that all shooting permits and depredation licenses issued through the depredation program will have a one dollar charge for the HUSH program and a one dollar writing fee like all other deer licenses issued by the department.

#### **NATURAL RESOURCE COMMISSION [571]**

##### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

This chapter sets the season dates, shooting hours, licenses types, quotas and restrictions, method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The proposed amendment clarifies that all shooting permits and depredation licenses issued through the depredation program will have a one dollar charge for the HUSH program and a one dollar writing fee added to the cost like all other deer licenses issued by the Department.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 21, 2008. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.24, 483A.24B, and 483A.24C.

The following amendments are proposed.

**ITEM 1.** Amend subrule 106.11(4) by adopting the following new paragraph “e:”

e. A person who receives a depredation permit pursuant to this paragraph shall pay a one dollar fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission and a one dollar writing fee for each license to the license agent.

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Date

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Richard A. Leopold, Director

Commission Rettig moved. Commission Drees seconded. Commission Francisco agreed with the intent and commented the Department may have resistance from partners. Motion carried.

<b>18. Chapter 94 Nonresident Deer Hunting NOIA</b>	<b>Decision</b>	<b>Garner</b>
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The Commission is requested to approve this Notice to amend Chapter 94, “Deer Hunting by Non Residents.” Chapter 94 regulates nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A), which was modified by 2008 Iowa Acts, Senate File 2230. This new law specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. The new law requires the Commission to adopt rules to implement this code section. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and a nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and must have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe

physical disability or has been diagnosed with a terminal illness and is eligible for the special license. These requirements conform to the statutory requirements of the new law.

## **NATURAL RESOURCE COMMISSION [571]**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 regulates nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A) which was modified by 2008 Iowa Acts, Senate File 2230. This new law specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. The new law requires the Commission to adopt rules to implement the code section. The rule will also update the implementation paragraph to include the new code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2008. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 , 481A.48 , 483A.1, 483A.8, and 483A.24.

The following amendments are proposed.

ITEM 1. Amend subrule 94.6(3) as follows:

94.6(3) ~~Antlerless defined. Rescinded IAB 3/1/06, effective 4/5/06.~~ Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(9A) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness.

ITEM 2. Amend the implementation paragraph as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, ~~and 483A.8~~ and 483A.24.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Dr. Garner asked the Commissioner to make a motion on items 18, 20, and 21 at the same time due to the same request is being made for each rule.*

Commission Francisco moved. Commission Rettig seconded. Commissioner Rettig inquired on why the age 21 limit. Diane Ford-Shivvers discussed that the CCB recommended a higher age limit be considered and legislators in committee felt strongly that it should be 21 or younger and that it was a youth oriented program. Commissioner Kircher inquired if there was a requirement for proof of disability or illness. Dr. Garner informed that verification forms need to be completed. Motion carried.

**19. Chapter 91 - Waterfowl and Coot Hunting Seasons: Emergency Final Rule, Decision**

NRC approval is requested to adopt a final rule to amend Chapter 91, "Waterfowl and Coot Hunting Seasons." These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and designation of areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons are open on weekends. A public hearing was held on April 29, 2008 and ten comments were received. Another six comments were received in writing. Comments included expressing appreciation for the addition of the new Waterloo/Cedar Falls urban zone and a request to expand the zone to the north edge of Waverly and include the Cedar River corridor between Waterloo/Cedar Falls and Waverly. There were also requests to reduce the waterfowl bag limit if it meant having a longer season; to expand the other urban goose zones; to reduce the limit for geese in the urban zone; to extend the goose season and requests to eliminate the statewide Canada Goose zones. Federal regulations changes for hunting migratory game birds during the 2008-09 seasons allow the daily limit for wood ducks to be 3 (previously 2), allow a bag limit of 1 for scaup for the full 60-day season or 1 for 40 days and 2 for 20 days, and do not allow the taking of canvasbacks during the 2008-09 season. The proposed rules conform to the federal regulations and clarify who would be eligible to receive a license under a tenant or landowner permit. This rule is adopted and filed on an emergency basis because the federal regulations have only recently been published and it is the Department's desire for these rules to be in effect for the 2008-2009 season.

**NATURAL RESOURCE COMMISSION[571]**

**Filed Emergency after Notice**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 91 "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons open on weekends.

The amendments adjust season dates for calendar date changes; change bag limits for scaup, wood ducks, and canvasbacks pursuant to federal regulations, remove the statewide two-



day September Canada goose season; add an urban Canada goose zone around Cedar Falls and Waterloo; add parents and grandparents to the list of people eligible to hunt Canada geese on a landowner's farm in areas closed to Canada geese hunting in Clay, Dickinson, Emmet, Jackson, and Butler Counties; and clarify who is eligible to hunt during the youth waterfowl season.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 9, 2008, as ARC 6697B. A public hearing was held on April 29, 2008. Ten comments were received. Another six comments were received in writing. Comments expressed appreciation for the addition of the new Waterloo/Cedar Falls urban zone and suggested the zone be expanded north to Waverly to include the Cedar River corridor between Waterloo/Cedar Falls and Waverly. Comments also suggested reducing the daily bag limit for ducks in order to increase the season length; expanding the urban goose zones; reducing the limit for geese in the urban goose zones; extending the duck season longer into December; extending the goose season longer into January; and eliminating the statewide Canada goose zones.

Changes from the Notice of Intended Action include Federal regulation changes for hunting migratory game birds during the 2008-2009 seasons which allow the daily limit for wood ducks to be 3 (previously 2), allow a bag limit of 1 for scaup for the full 60-day season or 1 for 40 days and 2 for 20 days, and do not allow the taking of canvasbacks during the 2008-09 season.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules coordinator, as it confers a benefit.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments shall become effective August 20, 2008.

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(2), 91.1(3) and 91.1(4) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~13~~ 18 through December ~~6~~ 11.

91.1(3) Season dates - south zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~20~~ 18 through December ~~13~~ 11.

91.1(4) Bag limit. The daily bag limit of ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, ~~2~~ 3 wood ducks, 1 pintail, ~~2~~ 3 scaup, 3 mottled ducks, ~~2 canvasbacks, and 2 redheads, and 1 scaup, except during November 1 through November 20 when the daily limit for scaup is 2. No canvasbacks may be included in the daily bag; the canvasback season is closed.~~ The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3(2) and 91.3(3) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~29~~ 27 through ~~December 9~~ October 5 and October 18 through December 21 and December ~~15~~ 27 through January 4 11, 2008 2009. White-fronted geese: September ~~29~~ 27 through December 9 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~13~~ 11, 2008 2009.

91.3(3) Season dates - south zone. Canada geese and brant: September ~~29~~ 27 through October 7 5 and October ~~20~~ 18 through December 21 and December ~~27~~ 27 through January 8 11, 2008 2009. White-fronted geese: September ~~29~~ 27 through December 9 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~13~~ 11, 2008 2009.

ITEM 3. Amend subrule 91.3(7), introductory paragraph, as follows:

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~14~~ 12, 2008 2009, through April 15, ~~2008~~ 2009.

ITEM 4. Rescind and reserve subrule 91.3(8).

ITEM 5. Adopt **new** subrule 91.3(11) as follows:

91.3(11) Cedar Falls/Waterloo goose hunting zone.

a. Season dates. September 1 through September 15.

b. Bag limit. Daily bag limit is 5 Canada geese.

c. Possession limit. Twice the daily bag limit.

d. Zone boundary. The Cedar Falls/Waterloo goose hunting zone includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, thence south along County Road V49 to County Road D38, thence west along County Road D38 to State Highway 21, thence south along State Highway 21 to County Road D35, thence west along County Road D35 to Grundy Road, thence north along Grundy Road to County Road D19, thence west along County Road D19 to Butler Road, thence north along Butler Road to County Road C57, thence north and east along County Road C57 to U.S. Highway 63, thence south along U.S. Highway 63 to County Road C66, thence east along County Road C66 to the point of beginning.

ITEM 6. Amend subrule 91.5(1), paragraph "b," subparagraph (9), as follows:

(9) Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses, domestic partners, parents, grandparents, children, children's spouses, grandchildren, siblings and siblings' spouses only.

ITEM 7. Amend rule 571--91.6(481A) as follows:

571--91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~6~~ 4 and ~~7~~ 5, ~~2007~~ 2008, in the north duck hunting zone and October ~~6~~ 4 and ~~7~~ 5, ~~2007~~ 2008, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 ~~15~~ years old ~~or younger~~. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*This item was moved to after the Director's comments. The Commission allowed a public speaker, Jeremy Ronsonky to present at this time.*

Commissioner Kircher moved. Commissioner Francisco seconded. Commissioner Drees commented that waterfowl management is a complex issue. The adaptive harvest matrix system to reach the guidelines is flawed with a liberal framework. In the end it is all about the birds and

hope we never look sight of this. Commissioner Francisco noted he is trying to understand adaptive harvest management for ducks. Motion carried

## **20. Chapter 98 Wild Turkey Spring Hunting NOIA, Decision**

The Commission is requested to approve this Notice to amend Chapter 98, "Wild Turkey Spring Hunting." Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A) which was modified by 2008 Iowa Acts, Senate File 2230. Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

### **NATURAL RESOURCE COMMISSION [571]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

The Commission is requested to approve this Notice to amend Chapter 98. Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A), which was modified by 2008 Iowa Acts, Senate File 2230. This new law requires the Commission to adopt rules to implement the new code section. The proposed amendment would also update the implementation paragraph.

Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2008. Such written materials should be directed to the

Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

The following amendments are proposed.

ITEM 1. Adopt new subrule 98.11(5) as follows:

98.11(3) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(9A) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness.

ITEM 2. Amend the implementation paragraph as follows:

Rules 98.9(483A) to 98.15(483A) ~~and 98.16(481A)~~ are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, ~~and~~ 483A.7 and 483A.24.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Dr. Garner asked the Commissioner to make a motion on items 18, 20, and 21 at the same time due to the same request being made for each rule.*

Commission Francisco moved. Commission Rettig seconded. Motion carried.

## **21. Chapter 99 Wild Turkey Fall Hunting by Residents NOIA, Decision**

The Commission is requested to approve this Notice to amend Chapter 99, "Wild Turkey Fall Hunting by Residents." Chapter 99 regulates hunting wild turkeys during the fall and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A) which was modified by 2008 Iowa Acts, Senate File 2230. Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's

reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

## **NATURAL RESOURCE COMMISSION [571]**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, "Wild Turkey Fall Hunting by Residents," Iowa Administrative Code.

The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A) which was modified by 2008 Iowa Acts, Senate File 2230. Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2008. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24 .

The following amendments are proposed.

ITEM 1. Amend 571—Chapter 99, title, as follows:

**WILD TURKEY FALL HUNTING ~~BY RESIDENTS~~**

ITEM 2. Amend 571--99.2(481,483A) by adopting the following new subrule:  
99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(9A) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness.

ITEM 3. Amend 571—Chapter 94, implementation paragraph, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, ~~and 483A.8~~ and 483A.24.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Dr. Garner asked the Commissioner to make a motion on items 18, 20, and 21 at the same time due to the same request being made for each rule.*

Commission Francisco moved. Commission Rettig seconded. Motion carried.

## **22. Wildlife Habitat Stamp Grant Review, Decision**

Natural Resource Commission approval is requested for the wildlife habitat grant recommendations. The Wildlife Habitat Promotion with Local Entities Program Grant Review Committee met on July 11, 2008, to review a total of 21 county conservation board projects requesting \$3,089,388.82 in Habitat Funds. A total of \$579,000.00 was available for this grant review. In 1979, the Iowa General Assembly passed legislation requiring hunters and trappers to purchase a wildlife habitat stamp. All revenue derived from the sale habitat stamps are used within the state of Iowa for acquisition of land, leasing of land, or obtaining easements from willing sellers for use as wildlife habitats and for the development and enhancement of wildlife lands and habitat areas. At least 50 percent of the stamp revenues are apportioned to local entities (county conservation boards) on a semiannual basis each year. Funding will not be allowed for more than 75 percent of the approved appraised value. The Wildlife Habitat Stamp Fund Program is administered by the DNR in compliance with 571 Iowa Administrative Code chapter 23. The committee recommends fully funding the top three (3) ranked projects and the remaining funds of \$132,748.00, along with any undistributed funds from previous grant cycles, to the next ranked projects. Undistributed funds may be available from cost savings on other projects and/or previous funds declined by county conservation boards. If the next ranked project declines the remaining funding, the Department requests authority to offer those funds to the next highest scored project until all funds are spent.

Rank by Score	County	Project	Acres	Grant Request	Grant Awarded	Total Project Cost
1	Butler	North Butler Wilderness Area	150.7	61,602.00	\$61,602.00	93,602.00
2	Lee	Mississippi River Emergent Wetlands	897	184,650.00	\$184,650.00	246,201.00
3	Sioux	Fairview Wildlife Complex Ranschau	109	200,000.00	\$200,000.00	332,450.00
4	Harrison	Old Town Conservation Area Romeo Tract	171	320,625.00	\$132,748.00	427,500.00
5	Warren	Diehl Wetland Acquisition	542	609,750.00	\$0.00	813,000.00
6	Hancock	Goodell Timber Expansion	79	112,500.00	\$0.00	150,000.00

7	Chickasaw	Kennedy Acquisition	71	56,250.00	\$0.00	75,000.00
8	Humboldt	Pioneer Prairie Pothole Wetland Complex	40	127,125.00	\$0.00	181,500.00
9	Kossuth	Scuffham Acquisition	127.9	127,752.00	\$0.00	193,400.00
10	Page	Ross Bros Pheasants Forever Wildlife Area	55.42	63,000.00	\$0.00	84,000.00
11	Clinton	Ringneck Marsh	160	159,000.00	\$0.00	212,000.00
12	Linn	Buffalo Creek Wildlife Management Unit	37	87,975.00	\$0.00	117,300.00
13	Franklin	Southwest Hunting Access - Smith Property	68	40,293.00	\$0.00	121,000.00
14	Greene	Horseshoe Bend Addition	42.09	63,135.00	\$0.00	84,180.00
15	Dallas	Raccoon River Greenbelt Plan - Wagner Parcel	75.6	71,493.00	\$0.00	95,324.00
16	Des Moines	Flint River Greenway Project - Baker Option	234.9	396,375.00	\$0.00	708,900.00
17	Lyon	Boersma Wildlife Area	62	61,612.00	\$0.00	168,400.00
18	Osceola	Bremer Marsh	27	23,775.00	\$0.00	31,700.00

Commission Francisco moved. Commission Drees seconded. Commissioner Rettig expressed appreciation for the sentences describing the decision making. Commissioner Garst inquired on when the last time the Habitat Stamp was raised. Diane-Ford Shivvers reported two years ago. Motion carried.

### **23. Donations, Decision**

The Natural Resource Commission is requested to approve the following donations:

<b>Donation to:</b>	<b>Amount</b>	<b>Description</b>	<b>Donation Provided by (Name/Org):</b>
Lacey Keosauqua State Park	\$69.00	for the repair of equipment and fabrication of brackets for the fish cleaning station	David McQuoid, McQuoid Welding and Machining
Mines of Spain Recreation Area	\$2,446.63	for the removal and replacement of old rail road ties that were used for water bars and steps and the completion of a 100 foot section of trail. This Eagle Scout project has helped speed the reconstruction of this trail and aided the State Parks Trail Crews efforts this summer.	Brian Gonner
IA DNR - Law Enforcement Bureau	\$1,800.00	for the donation of 20 youth tree stand safety vests for use in our youth hunt/mentor program.	David Langston, Hunter Safety System

Commission Francisco moved. Commission Rettig seconded. Commissioner Francisco requested to have the Department add the trout donations at a later time. Motion carried.
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#### **24. General Discussion**

Commissioner Francisco moved to request the NRC support the No Child Left Inside. The Department (Diane Ford-Shivvers) will draft this letter for signature by the Chair for the Commission. Motion carried.

Commissioner Francisco moved to request the Department prepare an enforceable party fishing proposal for review to address the issue of being able to identify whose fish are who's under the current sports regulations. The Commission requests an information item on this issue.

Commissioner Garst stated she will be attending the Association of Fish and Wildlife Agencies Conference during the September NRC meeting.

Commissioner Rettig offered to deliver the special deer hunt letter to Iowa City. Dr. Garner will follow up on it.

Commissioner Rettig commented on a confrontation with a DNR officer when she tried to dip her tire at the end of RAGBRAI into the Mississippi River. Ken Herring responded that he has received a report on the incident and will provide it to the Commissioners.

#### **25. Items for Next Meeting**

Commissioner Francisco moved to adjourn. Commissioner Drees seconded. Motion carried. Meeting ended 3:30pm.

#### **Next Meetings:**

- September 11 – Appanoose County - Honey Creek Resort (moving to October)
- October 9 – Jackson County (moving to September)
- November 13 – Marshall County
- December 11 – Polk County